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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,679	11/25/2003	Stephan Schaade	1454.1513	3054
21171 7590 02/13/2009 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
PHAN, TRI H				
ART UNIT		PAPER NUMBER		
2416				
MAIL DATE		DELIVERY MODE		
02/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/720,679

Applicant(s)

SCHAADE, STEPHAN

Examiner

TRI H. PHAN

Art Unit

2416

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10 and 12-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Tri H. Phan/
Primary Examiner, Art Unit 2416

Continuation of 3. NOTE: Applicant's response to the final rejection with respect to claims 1-10 and 12-21, filed on February 2, 2009, has been considered, but it is not deemed to place the application in condition for allowance, because

- In claim 1, the newly added limitations "storing ...; and as a result of accessing the alternate communication device by a particular communication terminal via the second address, ... , such that said particular communication terminal can initialize connections via said alternate communication device." are considered to raise new issues which required further consideration and/or search.

In regard to Response to Arguments (see REMARKS, pages 6-9), Applicant mainly argues that Balog fails to disclose the recite limitations "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device" and "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device" in claim 1. Examiner respectfully disagrees. First, Balog discloses the 'global profile' (see fig. 2), e.g. "standardized terminal profile", when associating with the user and devices/particular device localized around the environment, provides 'user profile' and 'device profile', which are parts of global profile (see page 2; para 22, lines 6; para 23, lines 1-15) and can be stored in one or more personalization servers, e.g. "alternate communication device" (see page 3, para 29, lines 1-18) or in one or more devices 16 (see fig. 1; page 3, para 31, lines 1-7) for making available to server's content routing application as required as specified in page 3; para 29, lines 1-18; e.g. "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices ... alternate communication device". Second, both AAPA and Balog also discloses the communication device communicate with others through the use of terminal profile stored in alternate gatekeeper (see 'terminal profile' stored in home gatekeeper and alternate gatekeepers in fig. 1 of AAPA; pages 2-3, paras 5-12) or global profile stored in particular device or any one of the devices (see Balog: figs. 1, 6; page 3, para 29, lines 1-18; para 31, lines 1-7); wherein 'user profile' or 'device profile' represent specific user or device attributes, e.g. "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal ... can connect to the alternate communication device."

Applicant also asserts that the 'global profile' of Balog is not a "standardized terminal profile" as recited in claim 1. Examiner, respectfully disagrees with this assertion.

It is noted that there is nowhere in the applicant's specification or claimed inventions that specifically defines the "standardized terminal profile"; and "During examination, the claims must be interpreted as broadly as their terms reasonably allow." MPEP 2111.01(I) (citing to In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004)). "This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." MPEP 2111.01(I) (citing to In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004)). Thus, the examiner interprets the Balog's 'global profile' as the applicant's "standardized terminal profile", when the term "standardized terminal profile" is given its plain meaning; and, since Balog's 'global profile' associates with particular user profile and device profile to represent a personal, customized environment that is localized around any one of the devices or one particular device as specified in page 2, para 22, lines 1-6; para 23, lines 12-15; and stores in one or more devices as disclosed in page 3, para 29, lines 1-18; para 31, lines 4-7.

Therefore, Examiner concludes that Balog teaches the arguable features.

Claim 20 is argued with same reason with respect to argument in claim 1.

Claims 2-10, 12-19 and 21 are rejected as in Parts 4 and 5 of the final office action sent on 12/17/2008, and by virtue of their dependence from claims 1 and 20.